

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

RICHARD SMITH

PLAINTIFF

V.

NO. 4:16-CV-234-DMB-RP

**SOCIAL SECURITY COMMISSIONER,
NANCY BERRYHILL**

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 29, 2016, United States Magistrate Judge Roy Percy issued a Report and Recommendation recommending that Richard Smith's motion to proceed *in forma pauperis* be denied. Doc. #4. The Report and Recommendation advised that "in the event [Smith] desires to file objections to these findings and recommendations:"

Objections are required to be (1) specific, (2) in writing, and (3) filed within fourteen (14) days of this date. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). Plaintiff's failure to file written objections to the proposed findings, conclusions, and recommendations in a magistrate judge's report and recommendation within 14 days after being served with a copy bars Plaintiff from: (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1998), and (2) appellate review, except on grounds of plain error, of unobjected-to proposed factual findings and legal conclusions accepted by the district court..." *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*) (citations omitted).

Id. at 3.

To date, no objections to the Report and Recommendation have been filed or served. Accordingly, this Court's review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App'x 327, 331 (5th Cir. 2014) ("When there has been no objection to a report and recommendation, review is limited to plain error.")).

The Court has reviewed the Report and Recommendation and found no plain error. It is, therefore, **ORDERED**:

1. The December 29, 2016, Report and Recommendation [4] is **ADOPTED** as the order of the Court; and

2. Smith's motion to proceed *in forma pauperis* is **DENIED**. Smith has fourteen (14) days from the date of this order to pay the standard civil filing fee of \$400.00. Failure to comply with this order and pay the filing fee will result in the dismissal of Smith's complaint under Federal Rule of Civil Procedure 41(a) without further notice.

SO ORDERED, this 27th day of April, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE